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COMMISSION ON HUMAN RIGHTS
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Agenda item 9

FURTHER PROMOTION AN ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Canada, Finland*, Germany, Hungary*, Ireland, Italy, Liechtenstein*, Portugal*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/... Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling its resolution 1994/44 of 5 March 1994 and taking note of resolution 1997/28 of 28 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as Part II, paragraph 91, of the Vienna Declaration and Programme of Action,

Convinced that the expectation of impunity for violations of international human rights or humanitarian law encourages such violations and

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

is one of the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators accountable, obtaining justice for their victims, as well as preserving historical records of such violations, will ensure that awareness of them guides future societies and are integral to the promotion and implementation of human rights and fundamental freedoms and to the prevention of future violations,

Recognizing that accountability of individual perpetrators of grave human rights violations is a central element of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation,

Stressing the urgent need to establish a permanent international criminal court as a measure in the fight against impunity, while acknowledging the work of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda,

1. Emphasizes the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give urgent attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women, and to take appropriate measures to address this important issue;

2. Recognizes that, for the victims of human rights violations, public knowledge of their suffering and the truth about perpetrators of these violations are essential steps towards rehabilitation and reconciliation and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

3. Emphasizes the importance of taking all necessary and possible steps to hold accountable perpetrators of violations of international human rights and humanitarian law and urges States to take action in accordance with due process of law;

4. Calls upon States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

5. Notes the report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 (E/CN.4/Sub.2/1997/20/Rev.1) and the Set of principles for the protection and promotion of human rights through action to combat impunity annexed to the report, and requests the Secretary-General to invite States, international organizations and non-governmental organizations to provide him with their views and comments thereon;

6. Requests the Secretary-General to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

7. Also requests the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report to the Commission on Human Rights at its fifty-fifth session;

8. Invites the special rapporteurs and other mechanisms of the Commission on Human Rights to give due consideration to the issue of impunity in the discharge of their mandates;

9. Decides to continue the consideration of this matter at its fifty-fifth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms".